IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.640 OF 2006
IN
SECOND APPEAL NO.406 OF 2006

Shri Jagannath Dadu Kaingade & Anr. ...Applicants

Versus

Shri Narayan Tukaram Patil ...Respondent

Shri T.S.Ingle for the Applicants.
Shri Shrishail Sakhare for the Respondent.

CORAM : ABHAY S.OKA, J.
DATED : JULY 12, 2007.

P.C.:

1. Rule. Advocate for the Respondent waives service. Heard Advocates appearing for the parties. As Second Appeal is admitted, the decree for possession will have to be stayed. However, liberty will have to be granted to the Respondent to apply for modification after the proceedings under the Bombay Tenancy and Agricultural Lands Act, 1948 are decided finally.

2. Hence, Civil Application is disposed of by passing following order:

(i) There will be interim relief in terms of prayer clause (a) subject to condition that the Applicants will not create any third party interests in respect of the suit property.

(ii) It will be open for the Respondent to move this Court for modification of this order after the proceedings under the Bombay Tenancy and Agricultural Lands Act, 1948 are finally decided.

(iii) No orders as to costs.

JUDGE